

**PRIORITY OF WATER RIGHTS AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill addresses priority of water rights.

**Highlighted Provisions:**

This bill:

- ▶ modifies provisions related to a temporary water shortage emergency; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**73-3-21.1**, as last amended by Laws of Utah 2011, Chapter 201

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **73-3-21.1** is amended to read:

**73-3-21.1. Priorities between appropriators.**

(1) As used in this section:

(a) "Electric utility" means:

(i) a municipal electric utility, as defined in Section 10-19-102;

(ii) an electric interlocal entity, as defined in Section 11-13-103;

(iii) an energy services interlocal entity, as defined in Section 11-13-103;

(iv) an electric improvement district, as defined in Section 17B-2a-406; or

(v) an electrical corporation, as defined in Section 54-2-1.

~~[(a)]~~ (b) "Military facility" means an installation, base, air field, camp, post, station, yard, center, or other facility owned, leased, or operated by, or under the jurisdiction of, the United States Department of Defense or the National Guard.

33           ~~[(b)]~~ (c) "Temporary water shortage emergency" means a shortage of water:

34           (i) whether caused by drought, manmade causes, or ~~[naturally caused]~~ natural causes;

35           (ii) for which the governor has declared an emergency and for which the Legislature  
36 may extend the emergency declaration; and

37           (iii) that may not exceed in duration more than two consecutive calendar years.

38           (2) (a) Appropriators shall have priority among themselves according to the dates of  
39 their respective appropriations, so that each appropriator is entitled to receive the appropriator's  
40 whole supply before any subsequent appropriator has any right.

41           (b) Notwithstanding Subsection (2)(a), if there is a temporary water shortage  
42 emergency, the use of water for drinking, sanitation, generation of electricity by an electric  
43 utility, and fire suppression has a preferential right over any other water right for the duration  
44 of the temporary water shortage emergency if:

45           (i) the water is used by:

46           (A) an individual water user;

47           (B) a county or municipality;

48           (C) a public water supplier, as defined in Section 73-1-4; or

49           (D) a military facility that was in operation on March 10, 2011; and

50           (ii) the water is used without unnecessary waste.

51           (c) Notwithstanding Subsection (2)(a), if there is a temporary water shortage  
52 emergency, the use of water for agricultural purposes, including irrigation and livestock water,  
53 has a preferential right over any other right, except as provided in Subsection (2)(b).

54           (3) A person using water preferentially during a temporary water shortage emergency  
55 shall pay annually to the appropriator whose water use is interrupted the reasonable value of the  
56 water use interrupted, crop losses, and other consequential damages incurred as a result of the  
57 interruption.